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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,026	11/03/2003	Steven G. Mathena		2144

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Steven G. Mathena
2524 Congress St. #4
Ft. Myers, FL 33901

EXAMINER

GALL, LLOYD A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,026

Applicant(s)

MATHENA, STEVEN G.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

4

DETAILED ACTION

The disclosure is objected to because of the following informalities: The operation of the reader needs to be clarified. On page 2, line 15, it is not clear where in figure 3 of the drawings the "slot" is shown, and what the function of the slot is. Reference numeral 5 has been disclosed as the alignment mark. On page 2, line 17, it is not clear how the marks 7a-7d "indicate the spacing" of the wafers. How is this information provided? On page 2, lines 18-19, it is not clear what is meant by "to indicate where a depth reading takes place". On page 3, line 11, when the reader bar 2 passes through opening 19a, is this referring to the bend 2a being engaged in the opening 19a, or does the entire bar 2 pass through the opening 19a?

Appropriate correction is required.

Claims 1-3 are objected to because of the following informalities: In claim 1, line 4, claim 2, line 4 and claim 3, line 4, it is not clear what is meant by "a location, depths and spaces". Applicant may clarify this in his REMARKS attached to the next amendment. In claim 1, line 5 and claim 2, line 5, it is not understood how the information is read in the opening 19a. The opening 19a has been disclosed as frictionally engaging the bend 2a, and if the marks are located at 8a-8e, it is not clear how information is read at opening 19a. Appropriate correction is required.

In view of the above claim objections, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3676

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell in view of Easley.

McConnell teaches a system for duplicating keys including a basic key reader 14 and a sliding bar reader 32 for touching and determining the location, depths and spaces of wafers within a lock, and reading information at 80, 82 in an opening 30 of the head 16 of the reader. The free end thereof at numeral 36 in figure 1 defines a knob for the bar reader. Easley teaches providing a bend 22a, 22b for a bar reader to define a knob 28a, 28b. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a bend in the bar reader 32 of McConnell, in view of the teaching of Easley, the motivation being to provide a separate knob for actuating the reader, as well as to provide a friction fit for the reader 32 within the opening 32, to prevent the inadvertent separation or loss of the bar reader 32 from the reader 14.

Claim 2 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell in view of Herzenberg.

McConnell has been discussed above. Herzenberg teaches providing an identical color (see color match of column 5, line 51) between a knob portion 36 of a key portion and a holder portion 82. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an identical color between the knob (at 36) of McConnell and the reader 14, in view of the teaching of Herzenberg, the motivation being as an indication of which bar reader should be used with which basic reader.

Art Unit: 3676

Claim 3 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell in view of Naill (151) and Heredia.

McConnell has been discussed above. Naill teaches recording information (see column 3, line 2) for lock decoders 52 for vehicles (see column 1, line 62). Heredia teaches that it is well known to record vehicle information on cards 16, as seen in figure 10J. It would have been obvious to record the information of vehicles used with the basic key reader of McConnell on cards, in view of the respective teachings of Naill and Heredia, the motivation being to provide a directory for convenient access of information for specific locks, for key duplication purposes.

Applicant's arguments filed September 28, 2004 have been fully considered but they are not persuasive. In response to applicant's remarks, it is submitted that the primary reference to McConnell has been applied since it shows a bar reader which reads information "in an opening" of the reader, as is claimed. In view of the above claim objections which discuss in what sense the information of applicant is read in the opening 19a, the prior art rejections are maintained.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
October 03, 2005


Lloyd A. Gall
Primary Examiner